

1201765-Court-A-Unit  
 JAMES S. PRICE & ASSOCIATES  
 PO BOX 3006  
 CHAPTER 13 BANKRUPTCY  
 WILMINGTON, NC 28406

IN RE  
 BRYAN N SODEN  
 7143 ONTARIO ROAD  
 WILMINGTON, NC 28412  
 SSN or Tax I.D. XXX-XX-7557  
 -----

Chapter 13  
 Case Number: 12-01765-8-JRL

CATHERINE BRIDGET SODEN  
 7143 ONTARIO ROAD

WILMINGTON, NC 28412  
 SSN or Tax I.D. XXX-XX-0032

United States Bankruptcy Court  
 1760 Parkwood Boulevard  
 Courtroom Room 101  
 Wilson, NC 27893

#### NOTICE OF MOTION FOR CONFIRMATION OF PLAN

Richard M. Stearns, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 06/11/2012, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court  
 Eastern District of North Carolina  
 1760-A Parkwood Blvd  
 Wilson, NC 27893

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addresses:

Debtor(s):  
 BRYAN N SODEN  
 7143 ONTARIO ROAD  
 WILMINGTON, NC 28412  
 -----  
 CATHERINE BRIDGET SODEN  
 7143 ONTARIO ROAD  
 WILMINGTON, NC 28412

Attorney:  
 JAMES S. PRICE & ASSOCIATES  
 PO BOX 3006  
 CHAPTER 13 BANKRUPTCY  
 WILMINGTON, NC 28406

Trustee:  
 Richard M. Stearns  
 1015 Conference Dr.  
 Greenville, NC 27858

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: May 10, 2012

Richard M. Stearns  
 Chapter 13 Trustee  
 1015 Conference Dr.  
 Greenville, NC 27858

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WILMINGTON DIVISION**

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**IN RE:**

**CASE NUMBER: 12-01765-8-JRL**

**BRYAN N. SODEN**

**CATHERINE BRIDGET SODEN**

**CHAPTER 13**

**DEBTOR(S)**

**MINUTES OF 341 MEETING AND  
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the Court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on April 5, 2012, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C. §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the Trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts on what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

\$75.00	for	36	Months
	for		Months
	for		Months
	for		Months

**THE ANALYSIS OF THIS PLAN INDICATES THE GENERAL UNSECURED CREDITORS MAY NOT RECEIVE A DIVIDEND. IF FUNDS ARE AVAILABLE TO THE UNSECURED CLASS THE EXACT AMOUNT TO BE PAID EACH CLAIM CANNOT BE CALCULATED AT THIS TIME;**

Debtors With No Projected Disposable Income. If it has been determined that Debtor(s) has/have no projected disposable income and no equity in property pursuant to the liquidation test to be applied for the benefit of general unsecured creditors the obligation of the debtor(s) to make such payments shall cease upon payment to the Trustee of a sum sufficient to pay all allowed arrearage claims on secured debts, or other allowed secured claims (not including those to be paid “outside the plan), unsecured priority claims,

administrative claims and co-sign protect claims (if any) in full, along with the amount indicated below to be paid on general unsecured claims. IN SUCH EVENT THE GENERAL UNSECURED CLAIMS WILL BE PAID \$0.00 THROUGH THIS PLAN.

5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this Plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before July 5, 2012 ("Bar Date") shall be disallowed. Claims of governmental units, proofs of which are not filed before September 3, 2012 ("Government Bar Date") shall be disallowed;
7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:

a. Claims to be paid directly by the Debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#7 CITIZENS BANK	MORTGAGE	TO BE PAID DIRECT; ARREARS OVER THE TERM OF THE PLAN
#802 BB&T	1 <sup>ST</sup> MORTGAGE	TO BE PAID DIRECT

b. Continuing Long Term Debts to be paid by the Trustee:

The Trustee will disburse regular ongoing monthly payments effective with the month indicated below with the Debtor to resume direct payments upon completion of plan payments. Arrearage through the month indicated will be paid in full over the term of the plan without interest as funds are available unless otherwise indicated. To receive disbursements, a creditor must file a proof of claim documenting a non-preferential perfected lien against the property. The Trustee will disburse the regular monthly payment indicated below unless an allowed filed claim indicates a different payment.

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
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#25 INTERCOASTAL MISC  
REALTY

N/A

THIS CLAIM  
APPEARS TO BE  
A DUPLICATE OF  
CLAIM #18 .  
THEREFORE,  
THIS CLAIM IS  
DENIED

e. Claims to be avoided by the debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

Provided sufficient funds are available, and a proof of claim has been filed and allowed, the secured creditors listed above can expect to receive a minimum monthly payment equal to 1% of the value of their collateral.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with that November 5, 2009 Administrative Order Establishing Procedures Governing Post-Petition Conduit Mortgage Payments.

Administrative Arrearage Claim Treatment Under Conduit Order. If the mortgage creditor on a mortgage subject to the “Administrative Order Establishing Procedures Governing Post-Petition Conduit Mortgage Payments Effective January 1, 2010” (hereinafter “Conduit Order”) files a Proof of Claim for post petition arrearages that includes the two month “Administrative Arrearage” as defined in the Conduit Order, the Trustee has used that two month portion of the claimed amount as the Administrative Arrearage. In that event, Trustee has established that two month Administrative Arrearage claim as a separate claim and reduced the amount stated in the mortgage creditors proof of claim accordingly

9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as: “Abandon,” upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property “for cause” under §362(a)(1), as allowed by Local Rule 4001-1(b):

NONE

Reference herein to “Direct” or “Outside” or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7 and 8 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;

11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased or Contracted For</u>	<u>Treatment</u>
NONE		

12. That priority claims shall be paid in full over the term of the Plan;

13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;

14. That confirmation of the Plan vests all property of the estate in the debtor(s);

15. That the attorney for the debtor(s) is requesting fees in the amount of \$3,000.00. The Trustee recommends to the Court a fee of \$3,000.00. If the recommended fee is different from that requested an explanation can be found in Exhibit 'A'.

16. Other Provisions: NONE

RICHARD M. STEARNS

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Standing Chapter 13 Trustee

**EXHIBIT 'A'**

**DEBTORS:** BRYAN & CATHERINE **CASE NUMBER:** 12-01765-8-JRL  
SODEN

**EMPLOYMENT:**

Debtor: WILMINGTON GROSS INCOME: \$5,153.84

Spouse: MEDICAL SUPPLIES  
A2Z HOME MEDICAL \$4,530.43

**Prior Bankruptcy**

Yes ☐ No ☒ If so, Chapter filed

**cases:**

Disposition:

**Real Property:** House and Lot ☒ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☒

Description: RESIDENCE @ 7143 ONTARIO RD.

FMV	\$294,500.00	Date Purchased	
Liens	\$309,788.00	Purchase Price	
Exemptions		Improvements	
Equity	\$ 0.00	Insured For	
Rent		Tax Value	\$294,500.00

Description: MOBILE HOME @ LOT @ 251 DUTCHTOWN RD.

FMV	\$65,000.00	Date Purchased	
Liens	\$66,283.29	Purchase Price	
Exemption		Improvements	
Equity	\$ 0.00	Insured For	
Rent		Tax Value	

**COMMENTS:**

<b><u>Attorney</u></b>	Requested:	\$3,000.00	(excluding filing fee)
<b><u>Fees:</u></b>	Paid:	\$629.00	(excluding filing fee)
	Balance:	\$2,371.00	

**Trustee's Recommendation:** \$3,000.00

Comments:

**Plan Information:**

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$ 0.00	Pay in	\$2,700.00	Priority	0.00%
Priority	\$0.00	Less 8.00%	\$216.00	Secured	100.00%
Secured	\$50.50	Subtotal	\$2,484.00	Unsecured	0.00%
Unsecured	\$84,362.49	Req. Atty. Fee	\$2,371.00	Joint	0.00%
Joint Debts	\$0.00	Available	\$113.00	Co-Debts	0.00%
Co-Debtor	\$0.00				

**Annual Review:** Yes ☒ No ☐

**Payroll Deduction:** Yes ☐ No ☒

**Objection to Confirmation:**

Yes ☐ No ☒

Pending:  
Resolved:

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Motions Filed:            Yes    ☐    No    ☒

If so, indicate type and status:

Hearing Date:

# CERTIFICATE OF MAILING

0014

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CASE: 1201765 TRUSTEE: 54 COURT: 278  
 TASK: 05-09-2012.00628343.LSA000 DATED: 05/10/2012

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Court Served Electronically

Trustee	Richard M. Stearns	1015 Conference Dr. Greenville, NC 27858
Debtor	BRYAN N SODEN	7143 ONTARIO ROAD WILMINGTON, NC 28412
Joint	CATHERINE BRIDGET SODEN	7143 ONTARIO ROAD WILMINGTON, NC 28412
799	000002 JAMES S. PRICE & ASSOCIATES CHAPTER 13 BANKRUPTCY	PO BOX 3006 WILMINGTON, NC 28406
007	000007 CITIZENS BANK	443 JEFFERSON BLVD RJW 135 WARWICK, RI 02886
011	000011 CITIZENS BANK	480 JEFFERSON BLVD. WARWICK, RI 02886
024	000024 CITIZENS BANK	443 JEFFERSON BLVD RJW 135 WARWICK, RI 02886
029	000029 CITIZENS BANK *CM 443 JEFFERSON BLVD RJW 135	STEPHEN D STEINOUR, CEO WARWICK, RI 02886
016	000016 INDEPENDENT RECOVERY RESOURCES	24 RAILROAD AVENUE PATHCOGUE, NY 11772
017	000017 INDEPENDENT RECOVERY RESOURCES	24 RAILROAD AVENUE PATHCOGUE, NY 11772
022	000022 VAN DEWATER & VAN DEWATER	PO BOX 112 PUGHKEEPSIE, NY 12602
IRS	000004 INTERNAL REVENUE SERVICE INSOLVENCY SUPPORT SERVICES	PO BOX 7346 PHILADELPHIA, PA 19101-7346
015	000015 HSBC CHAPTER 13 BANKRUPTCY	PO BOX 15521 WILMINGTON, DE 19850-5521
NCREV	000005 NC DEPT OF REVENUE CHAPTER 13 BANKRUPTCY	PO BOX 1168 RALEIGH, NC 27602-1168
ESC	000003 EMPLOYMENT SECURITY COMMISSION CHAPTER 13 BANKRUPTCY	PO BOX 26504 RALEIGH, NC 27611
009	000009 BB&T BANKRUPTCY SECTION / 100-70-01-51	PO BOX 1847 WILSON, NC 27894
802	000006 BB&T BANKRUPTCY SECTION / 100-70-01-51	PO BOX 1847 WILSON, NC 27894
030	000030 BRANCH BANKING & TRUST COMPANY ATT: JACK R. HAYES	PO BOX 1847 WILSON, NC 27894-1847
020	000020 THE COBLE LAW FIRM	3333-E WRIGHTSVILLE AVE WILMINGTON, NC 28403
025	000025 INTERCOASTAL REALTY CORP	1902 EASTWOOD RD WILMINGTON, NC 28403
008	000008 NEW HANOVER TAX COLLECTOR BANKRUPTCY DEPARTMENT	PO BOX 18000 WILMINGTON, NC 28406
012	000012 FINANCIAL DATA SYSTEMS	PO BOX 688 WRIGHTSVILLE BEACH, NC 28480
013	000013 FINANCIAL DATA SYSTEMS	PO BOX 688 WRIGHTSVILLE BEACH, NC 28480
014	000014 FINANCIAL DATA SYSTEMS	PO BOX 688 WRIGHTSVILLE BEACH, NC 28480



# CERTIFICATE OF MAILING

0014

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CASE: 1201765 TRUSTEE: 54 COURT: 278  
TASK: 05-09-2012.00628343.LSA000 DATED: 05/10/2012

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018	000018	ONLINE COLLECTION SERVICES BANKRUPTCY DEPARTMENT PAYMENTS	PO BOX 1489 WINTERVILLE, NC 28590
028	000028	GE CAPITAL RETAIL BANK 25 SE 2ND AVE STE 1120	C/O RECOVERY MANAGEMENT SYSTEMS MIAMI, FL 33131-1605
021	000021	VGM HOME LINK/TRI-STATE ADJUSTMENTS	POB 3219 LA CROSSE, WI 54601-3219
023	000023	NISSAN-INFINITI LT	2901 KINWEST PKWY IRVING, TX 75063
027	000027	DBA GEMB 8585 N STEMMONS FRWY STE 1100N	SANTANDER CONSUMER DALLAS, TX 75247
019	000019	DBA GEMB POB 560284	SANTANDER CONSUMER DALLAS, TX 75356
026	000026	OAK HARBOR CAPITAL LLC 2001 WESTERN AVE., STE. 400	c/o WEINSTEIN & RILEY, P.S. SEATTLE, WA 98121
010	000010	OAK HARBOR CAPITAL LLC PO BOX 3978	c/o WEINSTEIN & RILEY, P.S. SEATTLE, WA 98124

33 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 05/10/2012.  
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.  
EXECUTED ON 05/10/2012 BY /S/EPIQ Systems, Inc.

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\*CM - Indicates notice served via Certified Mail